

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

MELINDA SCOTT,
Plaintiff,

v.

ANDREW CARLSON
Defendants.

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SCHEDULING ORDER
Case No. 2:17-cv-10011

The court proposes the following as a Scheduling Order pursuant to Fed. R. Civ. P. 16(b). If no party requests changes within 10 days from its date of entry, it will constitute the Scheduling Order in this case.

It is **ORDERED** as follows:

Trial

1. **This case is set for jury trial in Big Stone Gap at 9 a.m., on May 22-23, 2018, before the Hon. James P. Jones, U.S. District Judge.**

2. If the case is settled, the court will dismiss the case from the docket, and, if no agreed final order or judgment is thereafter submitted within 60 days, or if no party files a motion to reopen within such time, the case shall, without further order, stand dismissed with prejudice.

Motions

3. A supporting brief must accompany all motions, unless the motion itself contains the legal argument necessary to support it. If a motion has been filed prior to this Order, and legal argument did not support it, the movant must file a supporting brief within 14 days of the date of this Order. If the motion is opposed, a brief in opposition must be filed within 14 days of the service of the movant's brief (or within 14 days of this Order if a motion and supporting brief have been served prior to this Order). Except for good cause shown, if a brief opposing a motion is not timely filed, it will be considered that the motion is unopposed. If the moving party desires to submit a reply brief, it must be filed within 7 days of the date of service of the brief opposing the motion.

4. If any party desires a hearing on a motion, the hearing may be requested with the court prior to, or at the time of, the filing of the motion or response. Otherwise, it will be considered that the motion is submitted for decision without hearing.

5. Motions for summary judgment must be filed no later than 60 days before trial. Any response to the motion, including the brief in opposition, must be filed prior to the day of the hearing, or, in any event, no later than 14 days after service of the motion.

6. If a motion is unopposed, and the moving party certifies such fact in the motion, no brief need be filed, nor response made to the motion. Procedural motions, including motions for enlargement of time, whether or not opposed, may be acted upon at any time by the court, without awaiting a response, and any party adversely affected by such action may request reconsideration, vacation or modification of such action.

7. Any motion by the parties to join other parties and/or to amend the pleadings must be filed no later than 180 days before trial.

Discovery

8. All discovery must be completed by no later than 75 days before trial. This schedule requires that written discovery be served in sufficient time to allow the responding party time to respond before the cutoff date for discovery.

9. Initial disclosures pursuant to Federal Rules of Civil Procedure Rule 26(a)(1) will be exchanged no later than August 21, 2017.

10. Discovery and disclosure material is not to be filed unless and until actually used in the proceeding, except as to the disclosures under Rule 26(a)(3) of trial witnesses and exhibits, which must be filed.

Witnesses

11. The party who has the burden of proof on an issue shall serve reports from retained expert witnesses on the opposing parties by no later than 150 days before trial. The parties shall serve responding reports from retained rebuttal expert witnesses by no later than 120 days before trial.

12. Any motion to exclude the testimony of an expert based on the sufficiency or reliability of the expert's testimony must be filed no later than the deadline for filing motions for summary judgment.

13. At least 14 days prior to trial, the parties must make the pretrial disclosures of witnesses and exhibits as required by Rule 26(a)(3), and must make objections to deposition testimony and exhibits at least 7 days prior to trial.

14. Proposed jury instructions must be submitted to the court at least 7 days prior to trial, with copies provided to opposing counsel.

Summary of Deadlines

15. Trial Date	May 22-23, 2018
Submit Proposed Jury Instructions	7 days before trial
Object to Deposition Testimony and Exhibits	7 days before trial
Disclose Witnesses and Exhibits	14 days before trial
Expert Disclosures	150 days before trial
Rebuttal Expert Disclosures	120 days before trial
File Summary Judgment Motions and Motions to Exclude Experts	60 days prior to trial
Complete Discovery	75 days prior to trial

ENTERED: July 21, 2017.

/s/ Pamela Meade Sargent
UNITED STATES MAGISTRATE JUDGE